

Lisa Reppeto

From: Robert McDuff <rbm@mcdufflaw.com>
Sent: Thursday, June 19, 2025 6:27 PM
To: Rex Shannon; 'Navketan Aujla'; Doug Miracle; Lisa Reppeto; 'Joshua Tom'; 'MSSDdb_Wingate_Chambers'
Cc: 'Terri Barnes'
Subject: RE: request Response to email regarding hearing/status conf TRO/PI No. 3:25-cv-00417-HTW-LGI

Dear Judge Wingate,

We have conferred further with Mr. Shannon in the Attorney's General office about a potential briefing schedule for the Preliminary Injunction motion. In the event the Court enters a TRO after the hearing next Tuesday, we have agreed to the following proposed briefing and hearing schedule relative to the Plaintiffs' Motion for Preliminary Injunction:

Defendants' brief in response to the Motion for Preliminary Injunction would be due July 3, 2025.

Plaintiffs' reply brief would be due July 11, 2025.

If the Court's schedule permits, we would propose a preliminary injunction hearing on July 21 with July 22 also available if needed.

I am out of the country beginning July 8 for at least eight days. Although my presence is not essential, I would like to participate in the preliminary injunction hearing if possible. I can be back for a hearing beginning Monday July 21. My co-counsel Mr. Tom, as well as Mr. Shannon and Ms. Repetto from the Attorney General's office, are also presently available on July 21-22 if the Court is available on those days. In this regard, I note that if the Court issues a TRO on this coming Tuesday, June 24, the 28 days that are permitted by Fed. R. Civ. Proc. 65(b)(2) will expire on July 22.

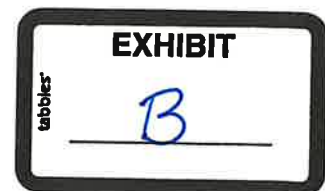
We can discuss this further when we see you this coming Tuesday. But we want to apprise you of our discussions for purposes of future planning.

Thank you and best wishes.

Rob McDuff
Co-Counsel for Plaintiffs

From: Rex Shannon <Rex.Shannon@ago.ms.gov>
Sent: Thursday, June 19, 2025 10:33 AM
To: Robert McDuff <rbm@mcdufflaw.com>; 'Navketan Aujla' <Navketan_Desai@mssd.uscourts.gov>; Doug Miracle <Doug.Miracle@ago.ms.gov>; Lisa Reppeto <Lisa.Reppeto@ago.ms.gov>; 'Joshua Tom' <jtom@aclu-ms.org>; 'MSSDdb_Wingate_Chambers' <Wingate_Chambers@mssd.uscourts.gov>
Cc: 'Terri Barnes' <Terri_Barnes@mssd.uscourts.gov>
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Dear Judge Wingate:



As Mr. McDuff advises below, the plaintiffs and the Attorney General's clients (MCCB, MSBE, and MCSAB) have agreed that the Attorney General will respond to the TRO portion of the plaintiffs' pending motion [ECF #11] by Monday, June 23, 2025, and that the hearing scheduled for 1:00 p.m. on Tuesday, June 24, 2025, will be limited to the plaintiffs' motion for TRO.

As Mr. McDuff advises, the parties anticipate presenting the Court with a proposed agreed briefing schedule relative to the plaintiffs' motion for preliminary injunction, with any hearing on the motion for preliminary injunction to occur at a later date.

We will await any further instructions from the Court.

Regards,
Rex

Rex M. Shannon III

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From: Robert McDuff <rmb@mcdufflaw.com>

Sent: Thursday, June 19, 2025 10:11 AM

To: Rex Shannon <Rex.Shannon@ago.ms.gov>; 'Navketan Aujla' <Navketan.Desai@mssd.uscourts.gov>; Doug Miracle <Doug.Miracle@ago.ms.gov>; Lisa Reppeto <Lisa.Reppeto@ago.ms.gov>; Joshua Tom' <jtom@aclu-ms.org>; 'MSSDdb_Wingate_Chambers' <Wingate_Chambers@mssd.uscourts.gov>

Cc: 'Terri Barnes' <Terri.Barnes@mssd.uscourts.gov>

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Dear Judge Wingate,

Joshua Tom and I just conferred by phone with Rex Shannon and Lisa Reppeto of the AG's office. They are copied here. They have agreed that they can respond to the TRO motion on or before Monday June 23 and be present for a TRO hearing on Tuesday June 24 at 1:00 PM as set forth in Ms. Aujla's email. In the meantime, we will confer further with them in order to reach agreement on a proposed preliminary injunction briefing schedule that we will submit to the Court for consideration.

Please let us know if there is anything else we need to do. Thank you and best wishes.

Rob McDuff
Co-Counsel for Plaintiffs
601-259-8484

From: Rex Shannon <Rex.Shannon@ago.ms.gov>
Sent: Wednesday, June 18, 2025 9:24 PM
To: Navketan Aujla <Navketan_Desai@mssd.uscourts.gov>; Doug Miracle <Doug.Miracle@ago.ms.gov>; Lisa Reppeto <Lisa.Reppeto@ago.ms.gov>; rbm_mcdufflaw.com <rbm@mcdufflaw.com>; Joshua Tom <jtom@aclu-ms.org>; MSSDdb_Wingate_Chambers <Wingate_Chambers@mssd.uscourts.gov>
Cc: Terri Barnes <Terri_Barnes@mssd.uscourts.gov>
Subject: RE: request Response to email regarding hearing/status conf TRO/PI No. 3:25-cv-00417-HTW-LGI

Dear Judge Wingate:

I write in response to Mr. McDuff's e-mail regarding the above-referenced civil matter, which was transmitted to the Court after 7:00 p.m. tonight. Before defense counsel had an opportunity to respond, we received Ms. Aujla's reply below.

Our office represents Defendants Mississippi Community College Board, Mississippi State Board of Education, and Mississippi Charter School Authorizer Board in this matter.

This case involves a challenge to the constitutionality of Miss. H.B. 1193 (2025), which has been in effect since April 17, 2025, and is currently state law. Plaintiffs did not file their complaint until almost two months later, on June 9, 2025. Our clients were served on June 10, 2025. The complaint purports to assert six counts challenging H.B. 1193 on First and Fourteenth Amendment grounds. Our clients' responsive pleading or pre-answer motion is not due until July 1, 2025.

At approximately 6:00 p.m. tonight, Plaintiffs filed a motion for TRO/preliminary injunction accompanied by 14 filed exhibits and a 33-page brief. No advance copy of the motion, exhibits, or brief was provided to defense counsel.

As noted above, the challenged law has been in effect for two months. Implementation of the anti-discrimination complaint processes and investigatory policies and procedures provided for in H.B. 1193 is not required to occur until July 16, 2025. As a practical matter, there is no impending trigger date on which the plaintiffs stand to incur any purported "harm" alleged in their complaint. Simply stated, **this is not an emergency** but a transparent effort to gain a tactical litigation advantage.

In all fairness to the Attorney General and her clients, we respectfully request that the Court reconsider its instructions below and set a reasonable and orderly briefing schedule on the Plaintiffs' PI motion in advance of a hearing to occur no earlier than the week of July 7, 2025.

We appreciate the Court's consideration of this matter and will await any further instructions.

Regards,
Rex

Rex M. Shannon III

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From: Navketan Aujla <Navketan_Desai@mssd.uscourts.gov>

Sent: Wednesday, June 18, 2025 9:06 PM

To: Doug Miracle <Doug.Miracle@ago.ms.gov>; Rex Shannon <Rex.Shannon@ago.ms.gov>; Lisa Reppeto <Lisa.Reppeto@ago.ms.gov>; rjm_mcdufflaw.com <rjm@mcdufflaw.com>; Joshua Tom <jtom@aclu-ms.org>

Cc: Terri Barnes <Terri_Barnes@mssd.uscourts.gov>

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Good Evening, All:

Judge Wingate asks that a response the TRO be filed on or before Monday, June 23, 2025. We will set a hearing for Tuesday, June 24, at 1:00 PM.

Thank you.

Respectfully,

Navketan Aujla

Career Law Clerk to Hon. Henry T. Wingate
United States District Court

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